

**Rules of the
South Florida Water Management District**

**Artificial Recharge
CHAPTER 40E-5, F.A.C.**



Effective: September 7, 2015

**CHAPTER 40E-5
ARTIFICIAL RECHARGE**

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40E-5.011 Policy and Purpose.

(1) This chapter implements Sections 373.106, F.S., which authorizes the District to issue permits for projects involving artificial recharge or the intentional introduction of water into any underground formation, except activities under Chapter 377, F.S. Projects that inject waters into aquifers that contain a total dissolved solids concentration greater than 10,000 mg/L or for the purpose of disposal are not regulated under this chapter.

(2) It is the intent of the District to consolidate permits issued pursuant to this chapter with consumptive uses regulated under Chapter 40E-2, F.A.C., when such permit is required. Thus, if water is obtained from a regulated surface or groundwater source, authorization under this chapter shall be issued in conjunction with the associated consumptive use permit. If a consumptive use permit for the project is not required pursuant to Chapter 40E-2, F.A.C., (e.g., the recharge water is reclaimed waste water), a separate permit shall be obtained pursuant to this chapter.

(3) Nothing herein relieves the applicant from complying with the requirements of underground injection control (UIC) permits issued by the Department of Environmental Protection pursuant to Chapter 62-528, F.A.C.

(4) This chapter does not regulate operations of Artificial Recharge Systems authorized under Section 373.087 or 373.1502, F.S.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Amended 8-14-03, 7-14-14.

40E-5.021 Definitions.

When used in this chapter:

(1) “Aquifer storage and recovery” means a well system operated for the purpose of injecting and storing water in an aquifer for direct retrieval and use.

(2) “Artificial recharge” means the practice of introducing water into an aquifer through a horizontal or vertical well that increases the availability of water for consumptive or non-consumptive uses (e.g., a hydraulic barrier against saltwater intrusion, aquifer recharge systems, aquifer storage and recovery systems or heat exchange systems).

(3) “Heat exchange” means a well or combination of wells that remove groundwater associated with cooling or heating systems where the water withdrawn is returned to an aquifer.

(4) “Storage horizon” or “injection horizon” means the geological underground formation, group of formations, or part of a formation that receives or stores the injected water.

(5) “Underground Source of Drinking Water” or “USDW” means an aquifer or a portion of an aquifer that:

(a) Supplies drinking water for human consumption; is classified by Rule 62-520.410, F.A.C., as Class G-I or G-II ground waters; or, contains a total dissolved solids concentration of less than 10,000 mg/L; and

(b) Is not an “exempted aquifer,” pursuant to Chapter 62-528, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106 FS. History—New 9-3-81, Formerly 16K-1.05(2), (9), Amended 8-14-03.

40E-5.031 Implementation.

The effective dates for the artificial recharge permitting program established in this chapter are as follows:

(1) January 12, 1977, for the portion of the District formerly within the Ridge and Lower Gulf Coast Water Management

District annexed to the District by operation of Section 1, Chapter 76-243, Laws of Florida.

(2) March 2, 1974, for the remainder of the District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.011(1)(a).

40E-5.041 Permits Required.

(1) Unless expressly exempt by law or District rule, a permit is required pursuant to this chapter to operate an artificial recharge system. The permit applicant shall provide reasonable assurances that the proposed activity meets the criteria set forth in Rule 40E-5.301, F.A.C. In the event the project also requires a consumptive use permit pursuant to Chapter 40E-2, F.A.C., demonstration of reasonable assurances required under Rule 40E-5.301, F.A.C., shall be made in conjunction with application for such permit and a consolidated permit will be issued.

(2) Operation of all artificial recharge systems existing at the time of adoption of this rule may be continued only with a permit issued as provided herein. Application for a permit under the provisions of this rule for existing artificial recharge systems that are not currently approved under an existing consumptive use permit shall be made within a period of two years from the effective date of implementation of this rule.

(3) Nothing herein relieves the applicant from complying with the requirements of the UIC program including the acquisition of and compliance with permits issued pursuant to Chapter 62-528, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(1), Amended 8-14-03, 7-14-14, 9-7-15.

40E-5.051 Exemptions.

No permit is required under Rule 40E-5.041, F.A.C., for injection wells permitted under Chapter 377, F.S., or for projects authorized under Section 373.087 or 373.1502, F.S.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(1), Amended 8-14-03.

40E-5.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed electronically at www.sfwmd.gov/ePermitting, or at the South Florida Water Management District Regulation Reception Desk, 3301 Gun Club Road, West Palm Beach, FL 33406, or at any of the District's Service Centers. The addresses and phone numbers of the District's Service Centers are available online at www.sfwmd.gov, "Locations." Water Use Permit Application, Form No. 1379 or 1391, which is incorporated by reference in subsections 40E-2.101(3) and (4), F.A.C., shall contain:

- (a) The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.; and
- (b) The information required in Section 373.229(1), F.S.; and
- (c) Information sufficient to show that the use meets the criteria and conditions established in Rules 40E-2.301 and 40E-5.301, F.A.C.

(2) All final plans, calculations, analyses, or other documents, submitted as part of a permit application are required to be signed and sealed by an appropriate registered professional pursuant to Sections 373.117 or 492.111, F.S.

Rulemaking Authority 373.044, 373.113, 373.229 FS. Law Implemented 373.106(1) FS. History—New 9-3-81, Formerly 16K-2.02(2), Amended 5-30-82, 8-14-03, 10-23-12, 9-7-15.

40E-5.301 Conditions for Permit Issuance.

In order to obtain a permit, permit renewal, or permit modification pursuant to this chapter, an applicant must give reasonable assurances that the proposed diversion of water to be introduced into an aquifer and the impact of introducing and recovering the water from an aquifer:

(1) Shall not violate the conditions of issuance in Rule 40E-2.301, F.A.C., with regard to the impacts associated with diverting source water for: (i) injection, (ii) storage, and (iii) recovery.

(2) For artificial recharge systems that inject water sources not currently regulated under Chapter 40E-2, F.A.C. (e.g., use of reclaimed water), the system shall not cause water quality changes that would interfere with existing legal uses;

(3) Satisfies the criteria contained in the "Applicant's Handbook for Water Use Permit Applications within the South Florida

Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C.; and

(4) Meets state water quality standards as demonstrated through the issuance of a permit under Chapter 62-528, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 8-14-03, Amended 7-14-14.

40E-5.321 Duration of Permit.

The duration of the permit issued pursuant to this chapter shall be 20 years or the demonstrated period of need for the project, whichever is less.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 8-14-03.

40E-5.331 Modification of Permit.

Modification of a permit issued pursuant to this chapter or a consumptive use permit containing an authorization as specified herein shall be in accordance with the provisions in subsection 40E-2.331(1), F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106(1) FS. History—New 8-14-03.

40E-5.381 Limiting Conditions.

The District shall impose on any permit granted under this chapter such reasonable standards and special permit conditions necessary to assure that the permitted activity is consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.079, 373.083, 373.106(1), 373.219 FS. History—New 8-14-03, Amended 10-23-12.